

**STATE OF MONTANA
MONTANA DEPARTMENT OF TRANSPORTATION
JOB PROFILE AND EVALUATION**

SECTION I - Identification

Working Title:
Right-of-Way Agent III

Department:
Transportation

Class Code Number: 131975

Division & Bureau:
District Engineering

Class Code Title:
Right of Way Specialist

Section & Unit:
Great Falls, Billings, Butte, Glendive,
Missoula Districts

Pay Band: 5
Career Ladder policy #3-0183

Work Address:
104 18th Ave. NE
Great Falls, MT 59403-1359

Position Numbers:

Butte-60070, 53002
Missoula
Great Falls
Glendive
Billings

Phone: 406-454-5893

☐ FLSA Exempt

☒ FLSA Non-Exempt

Profile Completed By:
Greg Hahn
Right-of-Way Operations Manager

Work Phone:
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Jerilee Weibel
District Right-of-Way Panel

406-454-5893

Brian Cameron
CMS, LLC

406-442-4934

Work Unit Mission Statement or Functional Description:

The MDT's mission is to serve the public by providing a transportation system and services that emphasize quality, safety, cost effectiveness, economic vitality and sensitivity to the environment.

The Highways and Engineering Division prepares projects for bidding and coordinates highway construction. The Division is made up of the Materials, Construction, Right-of-Way, Bridge, Traffic and Safety, Environmental Services, Engineering Oversight, and Preconstruction bureaus; the CADD

Systems and Engineering Management Support sections; and five District Construction and Pre-Construction Offices in Missoula, Butte, Great Falls, Glendive, and Billings for budget and workforce purposes.

The District Right-of-Way section is responsible for the acquisition of interests in real property for highway construction, maintenance, excess property disposal, and related purposes. District ROW personnel also when necessary assist in the relocation of displaced individuals as a result of highway projects. This includes appraisal and negotiation for real property interests; the preparation of right-of-way estimates and various studies including access control, irrigation and route location; and recommending design revisions where necessary to acquire parcels. The District Right-of-Way section is also responsible for conducting initial permitting activities relating to outdoor advertising control.

Describe the Job's Overall Purpose:

This position serves as a Right of Way Agent III and is responsible for coordinating and conducting property appraisals and negotiations to arrive at fair compensation for Department property acquisitions. This includes most standard and specialized property appraisal and negotiation types. The position is expected to cover both the appraisal and negotiation aspects of right-of-way acquisition as well as other right-of-way responsibilities involved in the various preconstruction phases required for highway construction and related purposes. The position reports to the District Right of Way Manager and does not directly supervise others.

SECTION II - Major Duties or Responsibilities

% of Time

A. APPRAISALS

40%

1. Researches and evaluates property title information and ownership data to estimate the impacts of various technical and legal issues on the valuation of the subject property. This involves examining building and site-improvement valuation information from various sources; investigating the effects of sanitation regulations, zoning, planning, irrigation rights, covenants and deed restrictions, traffic flow and access control, and other issues; and determining the relative effects on property values.
2. Coordinates and/or conducts site inspections of subject properties and comparable sales to determine sales equivalencies and necessary appraisal adjustments; coordinates contracted services to develop value estimates of site improvements to be purchased; and documents technically and legally defensible valuation conclusions for incorporation into final appraisals. This involves ascertaining the highest and best use of appraisal property, determining and documenting professional assumptions and limiting conditions; determining comparable sales data and appropriate adjustments to subject property valuations; and estimating the value of site improvements to be purchased as well as damages (i.e., due to proposed construction activities).
3. Analyzes and evaluates appraisal information to determine appropriate amounts of State compensation for each parcel of property to be acquired. This involves identification and resolution of discrepancies in factual information, appraisal methods and techniques, and final determinations. As a field authority for appraisal projects, the incumbent is responsible for most types of standard and specialized appraisal projects, including many partial take, multiple use, condemnation, and commercial/residential appraisals and subsequent negotiations.

4. Conducts appraisal reviews as necessary to resolve discrepancies and maintain consistency among appraisal project reports. Recommends appraisal methods and justifications for final compensation adjustments to supervisors and/or review appraisers. Coordinates with District Right of Way Manager and/or Review Appraiser to identify and resolve discrepancies.
5. Provides guidance and technical assistance to Right of Way Agents I and II to resolve unusual or unanticipated problems involving District procedures, sensitive or contentious communications with land owners, technical interpretations, and other issues. Coordinates with other Right Of Way personnel to provide quality assurance (i.e., ensure that appraisals correctly represent the value of the property to be acquired).
6. Researches and monitors changing methods, laws, and professional standards related to right-of-way and real estate appraisals to incorporate appropriate innovations into ongoing project plans. Develops and maintains working relationships with other staff and fee appraisers, professional associations, and others to exchange information regarding program operations and proposed changes.

B. ACQUISITIONS

40%

1. Researches and examines documentation related to appraisals to determine actual/potential deficiencies; anticipate mediating factors (e.g., environmental concerns, sanitation regulations, zoning, etc.); and explain and clarify specific details of individual appraisals (e.g., procedures, requirements, construction plans, valuation factors, etc.). Researches updated title information, liens and lien satisfactions, tax delinquencies, judgments, and other information and data that may collude or complicate title examinations. Identifies and resolves title discrepancies through extensive research of public records and other means available.
2. Completes technical and legal documentation required for negotiations and agreements to ensure the accuracy, clarity, and availability of essential information and data related to property acquisitions, including Right-of-Way agreements specifying the terms and conditions of purchase, deeds, easements, grants of possession, irrigation agreements, tax reimbursement statements, and contact histories related to the subject property.
3. Evaluates multiple and variable factors (e.g., access control, corridor preservation, fishing access, drainage, etc.) related to appraisal negotiations to ensure just compensation. This involves researching available legal and technical documentation (e.g., ownership titles, conservation easement records, architectural/engineering designs, etc.); coordinating with builders, attorneys, technical specialists, and others; and integrating these factors into negotiations and consequent agreements.
4. Interprets right-of-way plans, construction plans, and cross-sections for natural features, property interests, construction features and engineering features (e.g., equations, curve data, approach standards, engineering standards, setback requirements and bid specifications) to ensure the compensation adequately reflects the economic impact to the landowner's property. Explains and clarifies elements of plans, agreements, and bid items to landowners as necessary.
5. Negotiates just compensation for real estate acquisitions with staff, landowners, Department and private legal representatives, and others as necessary to establish consensus regarding property values and compensation amounts. The incumbent is responsible for negotiating most standard and specialized acquisition types, including many contentious and/or complex negotiations (e.g., partial take, condemnation, multiple use, etc.). Ensures that any changes in value between appraisal and completion of negotiations are reflected in final compensation.

6. Resolves contentious and confrontational situations with landowners and/or legal representatives to establish consensus between negotiating parties. This involves consulting with other agents, MDT staff (e.g., legal, hydraulics, design, traffic, etc.), external contractors; explaining and justifying appraisal determinations, procedures, and requirements; and determining appropriate means of resolving conflicts (e.g., monetary, construction, legal, etc.).
7. Recommends modified or expanded work contracts for working around sensitive environmental areas, historical sites and other community interests to resolve disputes with landowners and other affected parties. The incumbent must assess individual circumstances of proposed projects, objections or complaints from interested parties, and the impacts of various alternatives to project parameters (e.g., time, cost, safety, etc.).
8. Exercises delegated authority to offer cash and/or construction incentives to secure agreements with landowners. The incumbent ensures that incentives beyond appraised property values are justified based upon circumstances related to planned construction activities, comparable sales, negotiation proceedings, Department limitations, legal requirements, and other issues.
9. Secures necessary signatures to finalize successful negotiations and agreements. Refers irreconcilable negotiations and impasses to the District Right of Way Manager and/or Right of Way Operations Manager for subsequent action. Provides valuation testimony in court proceedings to explain, justify, and/or defend appraisal methods, evaluations, and final determinations.
10. Resolves landowner damage claims related to construction activities as requested by the District Administrator, Bureau Chief, or District Right of Way Manager. This involves damage assessments, valuations, and negotiations to settle claims (i.e., similar to those required for property acquisitions).

C. RIGHT OF WAY OPERATIONS

15%

1. Reviews and recommends policies, procedures, standards, and guidelines to improve District Right of Way operations and procedures. This involves assessing the quality, efficiency, and cost-effectiveness of current and previous projects; communicating needs and ideas with other District and centralized Right-of-Way personnel; evaluating new methods and requirements; and recommending new approaches to right-of-way project issues.
2. Develops and delivers training sessions to agents to fulfill training needs identified by the incumbent, District Right of Way Manager, and/or Right of Way Bureau (e.g., conflict management, new appraisal methods and standards, etc.). This involves researching and/or compiling training materials, establishing voluntary and/or mandatory schedules, delivering training presentations, and providing ongoing technical assistance and consultation as necessary.
3. Apprises District Right of Way Manager of team and individual performance (i.e., of Right of Way Agents I and II) on various projects. This involves assessing project outcomes relative to specific goals and professional standards, identifying strengths and deficiencies, and presenting information to supervisors. The incumbent may also participate in staff recruitment and selection committees to ensure objective and appropriate staff appointments.
4. Conducts or coordinates ownership studies, irrigation and stockpass, access control, and other special studies to research and document information related to right-of-way costs; structural elimination, inclusion, or preservation during construction; present and future needs based on

the highest and best use of properties; and other information that is critical to the effectiveness of District operations as well as individual appraisal projects.

5. Monitors contracted service delivery to ensure the efficiency and overall quality of services. Identifies and notifies service providers of errors or deficiencies, refers recurring or severe problems to the District Right of Way Manager for resolution, and provides ongoing guidance and technical assistance as requested.
6. Represents the Department and landowner interests in a limited capacity throughout all phases of a project: the pre-construction phase (e.g., in-house, Plan-in-Hand, etc.), during construction, and post-construction phase.
7. Identifies suspect or illegal outdoor advertising services to ensure compliance with laws and requirements. This involves identifying and/or inspecting outdoor advertising sites, referencing applicable statutes and regulations, and coordinating with landowners to explain requirements, deficiencies, and violations; issue permits; and monitor corrective actions.
8. Promotes a positive public image of the Department and effective relationships with landowners, local government officials, community representatives, consultants, and others through conscientious and courteous service delivery, effective communication, and technical and personal assistance.

D. OTHER DUTIES

05%

Performs a variety of other duties as assigned by the District Right of Way Manager in support of the Department mission, District objectives, and operational plans. This includes exchanging information with consultants, Department staff, other agencies, and the public; coordinating public hearings and special projects; attending ongoing education and training; and performing a variety of other duties as assigned.

2. *Specific examples of problems solved, decisions made, or procedures followed when performing the most frequent duties of this position include:*

In the appraisal process and negotiation phase, all facts, data, and pertinent information must be collected, verified, analyzed, and evaluated by the position to determine applicability to the problem at hand before work can proceed to the next step in the process. No two parcels are the same, so each parcel must be appraised and valued separately. All types of properties, (i.e., residential, agricultural, and commercial) may be encountered on the same project. Individual problems associated with each parcel must be evaluated for damages, depreciation, or must be corrected. It is this position's responsibility to identify all the problems and address solutions. In the negotiation phase, it is this position's responsibility to look at all courses of action to resolve any problems or conflicts that could not be addressed in the appraisal stage. Negotiations involve careful assessment and presentation of defensible methods, comparables, and conclusions related to appraisals as well as judgment in determining the long-term value and impacts of incentives, condemnations, and other alternatives.

3. *The most complicated aspect of this position is:*

The most complicated aspects of the job include research and analysis of plans, market trends, and economic conditions to determine and justify fair values for real estate acquisitions, including most standard and specialized appraisal types associated with urban properties, condemnations, and other factors (e.g., social, environmental, etc.). The position must also

exercise professional judgment in evaluating property values relative to project priorities, current and projected resource investments, and landowner interests to successfully negotiate acquisitions, offer incentives, and resolve issues associated with condemnations and other actions.

4. *Guidelines, manuals, or written procedures that support this position include:*

The position is expected to exercise independent judgment and discretion in the performance of predominant duties. Overall work plans and general priorities are established by the District Right of Way Manager, and the incumbent is expected to determine specific methods, priorities, and procedures to accomplish project objectives. The position is responsible for coordinating, overseeing, and/or performing major appraisal and negotiation projects; determining appropriate methods and procedures according to site-specific circumstances; and resolving complex technical problems with minimal supervision and/or assistance. The position exercises authority for determining, explaining, and defending compensation amounts for right-of-way acquisitions with concurrence from the District Right of Way Manager. Other work is covered through annual program plans; Right of Way Manual; Department, State, and federal regulations (e.g., ARM, MOM, MCA, USC etc.); AASHTO guidelines; and related professional and administrative policies, standards, and procedures.

5. *Which of the duties and/or specific tasks listed under 1. (above) are considered "essential functions" that must be performed by this position (with or without accommodations)? (If you need information or training on the identification of essential functions, please contact MDT Human Resources Division.)*

The following duties are considered an essential function because they require specialized expertise and skill and are the primary reasons the job exists:

Duty A: Appraisals
Duty B: Acquisitions
Duty C: Right of Way Operations

The following mental and physical demands are associated with these essential functions:

PHYSICAL

- Light lifting (less than 10 lbs.)
- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Travel within the state to project locations, and out of state travel by airline to national conferences and meetings.
- Operating a personal computer
- Communicate in writing, in person, and over the phone

MENTAL

- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Computing arithmetic operations
- Comparing data

- Compiling information
- Analyzing
- Coordinating
- Synthesizing
- Negotiating
- Instructing

6. **Does this position supervise others?** ☐ Yes ☒ No

Number directly supervised: 0.0

Complexity level of the positions supervised: 0

Position Number(s) of those supervised: N/A

7. **This position is responsible for:**

- | | | | |
|---|-------------------------------------|--------------------------------------|------------------------------------|
| <input type="checkbox"/> Hiring | <input type="checkbox"/> Firing | <input type="checkbox"/> Supervision | <input type="checkbox"/> Pay Level |
| <input type="checkbox"/> Performance Management | <input type="checkbox"/> Promotions | <input type="checkbox"/> Discipline | |
| <input type="checkbox"/> Other: | | | |

8. **Attach an Organizational Chart.**

ATTACHED

SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

This position requires extensive knowledge of real estate appraisal, including the principles of eminent domain, real estate law as it applies to land titles and transfer documents, appraisal and acquisition of real property for federal aid projects, and other program functions; contract monitoring; applicable state, federal, AASHTO, and FHWA requirements and standards; technical and legal documentation standards; principles of negotiation and conflict management; and a working knowledge of land surveying, highway engineering and design, and construction methods and materials.

SKILLS:

This position requires skills and abilities in examining, interpreting, and translating technical/legal information to varied audiences; standard office software applications (e.g., word processing, database, etc.); analyzing and interpreting statistical information; negotiating consensus on land values and compensation amounts; explaining and defending Department actions in legal proceedings and formal appraisal reviews; and managing and mediating confrontational or contentious situations with landowners, legal representatives, and others. This position also requires skill in the use of specialized surveying and other equipment such as microfiche readers, microfilm readers, distance measuring equipment, motion analyzers, planimeters, and others.

Behaviors required to perform these duties?

- **Influence and Persuasion** – Able to convince others in either positive or negative circumstances; use tact when expressing ideas or opinions; present new ideas to authority figures; adapt presentations to suit a particular audience; respond to objections successfully.
- **Communication:** Translates technical information to audiences of varied technical levels. Negotiates specific terms and conditions of individual agreements.
- **Independence of Action:** Determines appropriate responses to appraisal, acquisition, and related problems and deficiencies with minimal assistance or precedent.
- **Decision Making and Problem Solving** – Able to make decisions designated to achieve desired outcomes.
- **Relationship Management** – Demonstrates ability to develop rapport and maintain long-term associations with others both internal and external to the agency.
- **Policies, Processes and Procedures-** Able to act in accordance with established guidelines; follow standard procedures in crisis situations; communicate and enforce organizational policies and procedures; recognize and constructively conform to unwritten rules or practices.
- **Flexibility** – Able to remain open-minded and change opinions on the basis of new information; perform a wide variety of tasks and change focus quickly as demands change; manage transitions effectively from task to task; adapt to varying customer needs.

Education:

Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

- | | |
|---|--|
| <input type="checkbox"/> No education required | <input type="checkbox"/> Related AAS/2-years college/vocational training |
| <input type="checkbox"/> High school diploma or equivalent | <input checked="" type="checkbox"/> Related Bachelor's Degree |
| <input type="checkbox"/> 1-year related college/voc. training | <input type="checkbox"/> Related Master's degree |

Please specify the acceptable and related fields of study:

Required/Acceptable: Minimum qualifications for band 5 include a Bachelors Degree *in Business* administration, real estate, land surveying, engineering or related field, or a combination of education and experience equivalent to completion of high school and four years of real estate, engineering, *or* business/finance related experience.

The position requires one (1) year of experience as a Right of Way Agent I plus one (1) year of experience as a Right of Way Agent II with a satisfactory record of performance.

This position is part of the Right of Way Career Ladder #3-0183, please reference the policy for the other band level minimum qualifications.

Related: None Specified

Other education, training, certification, or licensing required (specify): See Policy #3-0183, Field ROW agent promotion).

Experience:

Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

☐ No prior experience required
☒ 1 to 2 years

☐ 3 to 4 years
☐ 5 or more years

Other specific experience (optional):

Alternative Qualifications:

This agency will accept alternative methods of obtaining necessary qualifications.

☒ Yes ☐ No

Alternative qualifications include:

Candidates with a relevant two-year degree plus two (2) years of experience in real property appraisal and/or acquisition, one (1) year of experience as a Right of Way Agent I, and one (1) year of experience as a Right of Way Agent II with a satisfactory record of performance may be considered as qualified for this position.

Candidates with a high school diploma or equivalent plus four (4) years of experience in real property appraisal and/or acquisition, one (1) year of experience as a Right of Way Agent I, and one (1) year of experience as a Right of Way Agent II with a satisfactory record of performance may be considered as qualified.

SECTION IV – Other Important Job Information

Work is performed in an office environment and in the field involving traversing rough terrain, working around heavy machinery and equipment, and contentious situations with landowners. The incumbent is expected to travel extensively throughout the District (e.g., up to 1,000 miles per month) to perform site visits, perform or evaluate appraisals, and negotiate acquisitions. Property inspections may require walking moderate distances, climbing over fences and ascending stairs, and working in inclement weather conditions. Contentious negotiations with landowners, legal representatives, and others; providing court testimony and defending Department determinations; and heavy workloads may create stressful day-to-day working conditions.

SECTION V – Signatures

Signature indicates this statement is accurate and complete.

Employee:

Name: _____ Title: _____

Signature: _____ Date: _____

Immediate Supervisor:

Name: _____ Title: _____

Signature: _____ Date: _____

Division/District Administrator:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Designee:

Name: _____ Title: _____

Signature: _____ Date: _____